

## **BOARD OF POLICE COMMISSIONERS**

### **Minutes of the Regular Board of Police Commissioners Meeting Thursday, April 6, 2006**

The regular meeting of the Detroit Board of Police Commissioners was held on Thursday, April 6, 2006, at 3:00 p.m., at Police Headquarters, 1300 Beaubien, Detroit, Michigan 48226.

#### **ATTENDANCE**

##### **Board Members Present**

Erminia Ramirez **(ABS)**  
Jim Holley  
Mohamed Okdie **(ABS)**  
Willie Hampton  
Arthur Blackwell II

##### **Department Personnel Present**

Chief Ella M. Bully-Cummings  
Cmdr. Brain Stair  
3<sup>rd</sup> Paula Lytle  
P.O. Leslie Washington  
P.O. Sophia Nelms  
Atty. Nancy Ninowski  
Sgt. Wedad Elhage

##### **Board Staff Present**

Dante' L. Goss, Executive Director **(ABS)**  
Lawana Ducker, Personnel Director  
Denise R. Hooks, Attorney/Supervising Inv.  
Arnold Sheard, Interim Chief Investigator  
P.O. Kent Cooper

#### **OTHERS PRESENT**

Ron Scott  
Media  
Dwayne Banks  
Atty. Fred Walker

#### **RECORDERS**

Terence Bell  
Robert Brown

#### **1. CALL TO ORDER**

**Vice-Chairperson Holley** called the regular meeting of the Detroit Board of Police Commissioners to order at 3:23 pm.

**Vice-Chairperson Holley** acknowledged the presence of Board members and staff.

**Vice-Chairperson Holley** acknowledged the arrival of Comm. Hampton at 3:25 pm.

## 2. APPROVAL OF MINUTES

**MOTION:** Comm. Blackwell made the motion to approve the Minutes.

**SECOND:** Comm. Hampton seconded the motion.

**VOTE:** All in attendance voted in the affirmative.

## 3. REPORT FROM THE CHAIR

### RESOLUTION HONORING COMMANDER ANDREA JACKSON

**WHEREAS** Andrea W. Jackson was appointed to the Detroit Police Department on October 8, 1973. After successful completion of the Detroit Metropolitan Police Academy, Officer Jackson began her career in the Women and Children's Service Section, followed by stints with the Office of the Deputy Chief Headquarters' Bureau and Internal Affairs; and

**WHEREAS** Officer Jackson was promoted to Sergeant on May 27, 1977, and assigned to the Inspection Section. While holding the rank of Sergeant, she also served in the Training Section, the Twelfth Precinct, the Twelfth Precinct's Investigative Operations Section, the Special Duty Section and the Medical Section; and

**WHEREAS** On January 20, 1983, Sergeant Jackson was promoted to Lieutenant and was assigned as Commanding Officer of the Tactical Operations Section; and

**WHEREAS** On May 12, 1989, Lieutenant Jackson was appointed to the rank of Inspector and maintained her assignment at the Tactical Operations Section; and

**WHEREAS** Inspector Jackson was appointed to the rank of Commander on August 27, 1993, and assigned to the Eighth Precinct. Her assignments also included the Twelfth Precinct, Field Duty Operations, the Support Services Division, the Emergency Communications Division, the Operations Portfolio and the Technical Support Section where she remained until her retirement on February 8, 2006; and

**WHEREAS** Commander Jackson is well trained and educated in civilian and law enforcement areas, having earned a Bachelor's degree in Psychology, prior to joining the Department, and a Master's degree in Interdisciplinary Technology from Eastern University, graduating from the Northwestern University Traffic Institute School of Police Staff and Command, and receiving certification as a HAZEMAT First Responder. In addition to these achievements, Commander Jackson served as a Lead Project Manager for two major state of the art technological upgrades in the Department – training on the 800 MHz Radios and the CAD system; and

**WHEREAS** Commander Jackson's services were not limited to law enforcement, rather she exhibited dedication to public service and earned great respect through her work as a certified Mediator, and active participation in and past president of ZONTA International, an organization instrumental in working with battered and abused women; and

**WHEREAS** During her tenure with the Department, Commander Jackson was the recipient of many commendations and awards, including a 1980 GOP Commemorative Award, two Chief's Unit Awards, two Chief's Merit Awards, and one Perfect Attendance Award,

**NOW, THEREFORE BE IT**

**RESOLVED** That the Detroit Board of Police Commissioners, speaking for the citizens of Detroit and the Detroit Police Department, acknowledge the dedication and professionalism of Commander Andrea W. Jackson. Her 32 ½ years of selfless service and outstanding commitment to the well-being of Detroit citizens and members of the Department, merit our highest regard and best wishes for continued success. May your service and good works continue.

We salute and congratulate you, Commander Andrea W. Jackson.

/s/ Erminia Ramirez  
Chairperson

/s/ Rev. Jim Holley  
Vice Chairperson

/s/ Mohamed Okdie  
Commissioner

/s/ Willie Hampton  
Commissioner

ADOPTED BY THE  
BOARD OF POLICE COMMISSIONERS /s/ Arthur Blackwell, II  
APRIL 6, 2006 Commissioner

**MOTION:** Comm. Blackwell made the motion to approve the Resolution.

**SECOND:** Comm. Hampton seconded the motion.

**VOTE:** All in attendance voted in the affirmative.

#### 4. SECRETARY'S REPORT – ATTY. HOOKS

##### CITIZEN COMPLAINTS RECEIVED

	<u>This Week</u>	<u>Year to Date</u>
2006 - Weekly Count of Complaints:	21	325
2005 - Weekly Count of Complaints:	34	333

- The Office of the Chief Investigator (OCI) closed a total of 0 cases this week.
- The Office of the Chief Investigator submitted 0 cases to the Chief's Office.
- The Chief's Office has reviewed and returned 9 cases to OCI.

#### 5. PRESENTATION/REPORT-CHIEF OF POLICE

April 6, 2006

Volume 2, Issue 14

# *Detroit Police Department*

## *Report to the Board of Police Commissioners*

### ***"Building a Safer Detroit Through Community Partnerships"***



*The Detroit Police Department is committed to uphold its mission to provide a safe environment for our residents and businesses. This effort is not possible without the joint commitment of the community and the Police Department. We appreciate and value the role our citizens have played in helping us to take the guns and drugs off the streets of the city of Detroit.*

### **SPECIAL ENFORCEMENT ACTIONS**

#### **Narcotics/ Gang Enforcement**

During the period of March 27, 2006 through April 2, 2006, Narcotics /Gang Enforcement conducted 22 search warrants and 37 street enforcement actions within the boundaries of the city of Detroit, resulting in the following arrests and confiscations:

- 30 Felony arrests
  - 126 Misdemeanor arrests
  - 4 Juveniles detained
  - 414.2 grams of cocaine, 9.3 grams of heroin, and 756,146.00 grams of marijuana street value:
  - **\$3,207,004.00**
  - **\$43,869.00** in U.S. Currency
- Confiscated:
- 9 Handguns

#### **Domestic Violence**

On March 28th, officers of the Southwest District responded to the 10300 block of Elmira on a "Family Trouble Assault and Battery" run. As a result of the investigation, one (1) person was arrested and charged with "Murder 1st Degree," Felon In Possession, "Felony Firearm" and "Habitual 3rd."

#### **Special points of interest:**

##### **• Next meeting:**

Thursday, April 13, 2006

@6:30 P.M.

**Hotel St. Regis**

3071 W. Grand Boulevard  
Detroit, Michigan 48202

#### **Inside this issue:**

Northwestern District	2
Sex Crimes	2
Central District	2
Northeastern District	2
Gang Enforcement Unit	2
Southwestern District	2

#### **Engaging the Community**

##### **Community Crime Walk**

Central District  
Trinity Episcopal Church  
1519 Martin Luther King Boulevard  
**April 8th**

##### **Crime Prevention Workshop**

Northwestern District  
New Providence Church  
18211 Plymouth Road  
**April 11th**

#### **BLOOD DRIVE**

*The Central District will be sponsoring a "BLOOD DRIVE" in conjunction with the "AMERICAN RED CROSS" on Monday April 17th from 9:00 a.m.-3:00 p.m. in the Detroit Police Department GYM located at 1300 Beaubien "Headquarters."*

*\* PLEASE JOIN US AND GIVE BLOOD TO SOMEONE IN NEED \**

 **American Red Cross**  
**Blood Services**



April 6, 2006

## *Police / Community Intervention*

Page 1



### Northwestern District

On February 22nd through March 3rd, officers of the Northwestern District participated in the "Michigan Prison Re-entry Initiative Program". The program assisted ex-offenders re-entering the community by preparing them for a transition with proper clothing attire for future job opportunities.

**Thanks to the generosity of our officers and citizens.**

### Sex Crimes

On March 26th, officers of the Northeastern District responded to the 4300 block of Lumley on a "Meet a Person to Point Out Persons for Criminal Sexual Conduct" run. Further investigation resulted in four (4) individuals being arrested and charged with "Criminal Sexual Conduct."

### Central District

On March 31st, officers of the Central District responded to the area of Oakland and Clay on an "Armed Robbery of a Citizen" run. As a result of the investigation, one (1) person was arrested without incident and charged with "Two Counts of Robbery Armed" and "Felony Firearm."

### Northeastern District

On March 29th, officers of the Northeastern District responded to the 17000 block of John R. on a "Shooting". Subsequent to the investigation, one (1) person was arrested and charged with "Assault with Intent to Murder," "Felon In Possession," "Felony Firearm," and "Habitual 4th." Confiscated was a handgun.



### Gang Enforcement Unit

From March 30th through April 3rd, the Gang Enforcement Unit along with the Narcotics section, District Cobras and the Tactical Mobile Unit, worked together and addressed robberies in the Northwestern and Western Districts area. As a result of their efforts, two (2) individuals were arrested for "Carrying a Concealed Weapon," three (3) individuals were arrested for "Violation of Controlled Substance Act," six (6) individuals for "Curfew Violations," and two (2) guns were recovered.

### Southwestern District

On March 30th, officers of the Southwestern District responded to the 13000 block of Marlowe on a "Home Invasion in Progress/Shots Fired" run. Upon arrival, the officers observed two (2) individuals exiting from the window, both were armed with a handgun. Due to the quick response of the officers, Both were arrested without incident and charged with "Assault with the Intent to Murder," "Robbery Armed," "Felony Firearm," "Home Invasion One," and "Felony in Possession Habitual 3rd." Confiscated were two handguns.

## **6. REQUEST TO ACCEPT GRANT AWARD**

The National Institute of Justice (NIJ) Paul Coverdell Forensic Science Improvement Grant Program awarded the Michigan State Police \$327,989.00. The Detroit Police Department is the sub grantee and was awarded \$52,350.00, which the Michigan State Police must distribute. There is **no cash match** required of the City of Detroit. The Michigan State Police Grant Manager Abby Meyer indicated that according to the grant guidelines, the Detroit Police Department will have to make purchases, provide receipts, and then be reimbursed by the Michigan State Police.

Funds will be used to eliminate backlogs in the analysis of forensic evidence including controlled substances, firearms examination, forensic pathology, latent prints, questioned documents, toxicology, and trace evidence.

**MOTION:**     **Comm. Blackwell** made the motion to approve the grant.

**SECOND:**    **Comm. Hampton** seconded the motion.

**VOTE:**       All in attendance voted in the affirmative.

## **7. OTHER BUSINESS**

### **ORAL ARGUMENTS FOR SGT. WEDAD ELHAGE**

**Atty. Hooks** stated Atty. Walker and Atty. Ninowski are here to present follow-up arguments with respect to Sergeant Wedad Elhage.

**Atty. Walker** stated they have agreed that this matter will go before an arbitrator. They picked the 19<sup>th</sup> of April, which was not available. They were given a choice of the 10<sup>th</sup> or the 24<sup>th</sup> of April and they choose the 10<sup>th</sup>. They found out the department representative wasn't available and they moved it to the 28<sup>th</sup>. Currently Sgt. Elhage has been suspended for 232 days without pay. He has follow-up letters from her doctor and therapist that shows she is continuing with her treatments. He stated there is discipline to be had for her actions, but not to go a long period of time without a hearing and without pay. When he submitted his grievance, the department sat on it for 108 days. He stated she did not access her pension as he had previously mentioned. She has been borrowing money from relatives and friends to survive and to pay her mortgage. He stated he wants the Board to consider putting her back to work. He has informed the department they will waive their rights to a Trial Board and go directly to the arbitrator and accept his decision.

**Comm. Hampton** asked Atty. Walker if they have expedited arbitration.

**Atty. Walker** stated no, because he can't make the department respond, other than the 8 days they have to respond.

**Comm. Hampton** asked whether either party has a limited amount of times to postpone.

**Atty. Walker** stated the disciplinary (issue) is still unresolved, because we can't agree on who will make up the Trial Board. We want it with the Inspectors and the department wants it with the Commanders. That's why we wanted to bypass the Trial Board and go directly to the arbitrator. There is no detriment to the department by doing this.

**Vice-Chairperson Holley** asked how many days has it been?

**Atty. Walker** stated 232 days, and the arbitration is scheduled for the 28<sup>th</sup> of April; but the arbitrator still needs time to make his decision.

**Atty. Ninowski** stated this is our third time before you on this matter. The department has consistently tried to convene a Trial Board on the disciplinary action made up of the reorganization structure. That offer is still open. We are talking about two hearings. There is a discipline side and a contract side. Sergeant Elhage's duty status was suspended without pay on August 18, 2005. Under the collective bargaining agreement, they have a right to file a grievance. That grievance is scheduled in front of Umpire Roumell on April 28<sup>th</sup>. He will make a determination as to whether or not her duty status violates the collective bargaining agreement. If it violates the bargaining agreement, he will restore her back to full duty with back pay and benefits. If it doesn't violate the bargaining agreement, her duty status will continue suspended without pay. The Board should let the process play out, because of past practice. As for the disciplinary case, that will determine whether or not she will receive a suspension from the department, is terminated or exonerated completely. Mr. Walker had stated that he made an offer to the department to waive the Trial Board; she has not seen or received that request. She did receive a letter stating they were combining the discipline case with the duty status case before one arbitrator, and that made no sense. She responded to this letter and indicated she was confused and didn't get a response.

**Comm. Blackwell** asked what is the arbitration date?

**Atty. Ninowski** stated April 28<sup>th</sup>.

**Comm. Hampton** asked can this date be postponed by either parties or the arbitrator?

**Atty. Ninowski** stated either party can make a request, but Atty. Walker typically doesn't do that.

**Comm. Hampton** asked do you have to write briefs?



**Atty. Ninowski** stated that's up to the parties at the time of the hearing. The department will ask for an expedited answer from the arbitrator. That answer is normally within 30 days.

**Comm. Hampton** stated 230 days is over six months.

**Atty. Ninowski** stated she was suspended on August 18, 2005.

**Comm. Hampton** asked is she still considered a member of the department?

**Atty. Ninowski** stated that's correct, until we get a final decision from the disciplinary case.

**Comm. Hampton** stated there is still a need to eat, heat, and sleep.

**Atty. Ninowski** stated she assumes so.

**Comm. Blackwell** stated you are asking to let the process unfold on the 28<sup>th</sup> of April.

**Atty. Ninowski** stated yes.

**Comm. Blackwell** stated the Board is saying this suspension without pay has been going on for a long time. The question that concerns this Board, if that day comes and goes and the arbitration didn't take place, what happens then?

**Atty. Ninowski** stated she would have to discuss that with the Chief.

**Comm. Blackwell** stated your instructions only go up to the 28<sup>th</sup> of April.

**Atty. Ninowski** stated that's correct.

**Comm. Blackwell** stated that this Board has been very clear on record that they support the strict discipline guidelines. One of the things this Board wants is expedited hearings, to the extent that they can be expedited. We have listened to some of the rehabilitation the officer has gone through. If the 28<sup>th</sup> comes, and goes, it will be hard for him to continue to extend this matter. He would hope this will be the absolute final day that he hears this matter. He asked Atty. Ninowski is the department ready to go?

**Atty. Ninowski** stated we are.

**Comm. Blackwell** stated it sounds like this is going to happen and he will be willing to wait until the 28<sup>th</sup> of April. The one thing that we continue to emphasize is the time it takes to hear these matters. He stated after the 28<sup>th</sup> he will be prepared to maybe do something different.

**Atty. Walker** stated this situation has never come up before. There is no past practice with a case like this. He stated he sent a letter and it's specific as it can be. He thinks Mr. Roumell will be able to grasp all of the information of this case.

**Vice-Chairperson Holley** stated to both parties that we have waited nine months, is it ok to wait until the 28<sup>th</sup> for the arbitration.

**Atty. Walker** stated they will abide by any decision the Board makes today.

**Vice-Chairperson Holley** stated that he is sensitive to the officer as well as the discipline process. Can they wait until the arbitration and asked Atty. Hooks can this be brought back?

**Atty. Hooks** stated yes.

**Atty. Walker** asked the Board if they wished to set a return date or wait after the arbitration hearing?

**Vice-Chairperson Holley** stated as one Commissioner he would like to wait after the 28<sup>th</sup>.

**Comm. Hampton** stated those are his sentiments as well and maybe the department can set a Trial Board and work it out before then.

**Atty. Ninowski** stated she did receive a letter from Atty. Walker stating he wished to combine the discipline with the duty status.

**Vice-Chairperson Holley** asked can both parties agree to wait and let him know the results on May 2<sup>nd</sup>?

**Atty. Walker** stated his preference would be that the Board agrees with him, but he will wait until the 28<sup>th</sup>.

**Vice-Chairperson Holley** asked Atty. Hooks did she have any comments?

**Comm. Blackwell** asked Atty. Walker is this the only case that he ever had like this?

**Atty. Walker** stated yes.

**Comm. Blackwell** stated that's kind of encouraging to only have had one.

**Atty. Hooks** stated she will correct this if she finds out that she is handling this the wrong way. Basically, this Board being asked to contravene this suspension without pay. She said: Unless the suspension without pay of Sergeant Wedad Elhage is contravened by this Board, it will stand.

**8. ANNOUNCEMENT OF NEXT MEETING**

Thursday, April 13, 2006 @ 6:30 p.m.  
Hotel St. Regis  
3071 W. Grand Blvd.  
Detroit, MI 48202

**9. ORAL COMMUNICATION FROM THE AUDIENCE**

**Atty. Hooks** stated for the record the attorneys will let the Board know the results of the April 28<sup>th</sup> hearing.

**D. Banks** stated he is here because of the lack of belief in OCI. He's not satisfied with the finding of his complaints. He got arrested for loitering

**Vice-Chairperson Holley** asked were you arrested for loitering at a store where you made a purchase?

**D. Banks** stated yes.

**Vice-Chairperson Holley** asked did they take you in the store to verify that it was you who was loitering?

**D. Banks** stated no.

**Vice-Chairperson Holley** asked how did OCI get involved, did you file a complaint?

**D. Banks** stated yes. The officer asked for his identification and shortly thereafter he stepped out of the vehicle and was arrested. He asked the officer was his in-car video recording and the response was yes. He went to court the next morning and discovered he was charged for disorderly conduct.

**Vice-Chairperson Holley** asked when did this happen?

**D. Banks** stated about 3 years ago.

**Vice-Chairperson Holley** asked are you bringing something up that happened 3 years ago?

**D. Banks** stated yes, because there is a warrant for his arrest from that case.

**Vice-Chairperson Holley** asked did OCI get back with you?

**D. Banks** stated yes, but the problem he has is that Investigator Staples, a former police officer, stated that the tape was missing.

**Vice-Chairperson Holley** asked what do you want to see happen to the officers?

**D. Banks** stated he felt the tape would have answered all of OCI questions and it would not have taken over 60 days.

**ICI Sheard** stated he is aware of Mr. Banks' case and it has been reviewed and is still under review. He stated his case has been closed a couple of times.

**Vice-Chairperson Holley** stated he was not satisfied.

**ICI Sheard** stated that's correct, and he told Mr. Banks he will give him a call when he got an answer for him. He stated the review is not completed.

**Vice-Chairperson Holley** asked you are reviewing the review because he isn't satisfied?.

**ICI Sheard** stated yes, sir.

**Vice-Chairperson Holley** asked what steps do they take after OCI gives them a finding and they aren't satisfied?

**ICI Sheard** stated they have a right to file a compliant wherever they want to.

**Vice-Chairperson Holley** asked where does he go?

**ICI Sheard** stated he can't tell him where to go, he can pick his own venue.

**Vice-Chairperson Holley** stated you can't.

**ICI Sheard** stated no, sir.

**Vice-Chairperson Holley** asked the Chief is that the case.

**Chief Bully-Cummings** stated she thinks Mr. Sheard is trying to say if they want to file a law suit they can.

**Comm. Blackwell** stated either there were conclusive evidence or it wasn't.

**ICI Sheard** stated in reviewing the file there is more to it than the charge of loitering.

**Vice-Chairperson Holley** stated when he got to court, it was for disorderly conduct.

**ICI Sheard** stated just because a person is charged and arrested for something doesn't mean they appear in court for that charge.

**Comm. Blackwell** asked what do they appear in court for?

**ICI Sheard** stated they appear for what they are charged with. He stated what the individual is charged with and arrested for can be two different things.

**Chief Bully-Cummings** stated you can initially be arrested for home invasion and by the time you go to court you are being charged with entering without owners' permission, which is a lesser crime.

**Comm. Hampton** asked what if they accused him of loitering and provoked him and arrested him for something else, like disorderly conduct?

**ICI Sheard** stated he think's they are dealing with a hypothetical.

**Comm. Blackwell** stated we are dealing with hypothetical, but you aren't.

**ICI Sheard** stated he will present the case to the Board.

**Comm. Blackwell** stated by reviewing it, you are reopening the case.

**ICI Sheard** stated he is reviewing the facts of the case to see if it warrants being reopened.

**Comm. Blackwell** stated there have been individuals to come to you and you have refused to reopen because you were satisfied with the finding.

**ICI Sheard** stated that's correct.

**Comm. Hampton** asked was the disorderly conduct ticket dismissed?

**ICI Sheard** stated he can't speak to that matter right now.

**Vice-Chairperson Holley** asked Mr. Banks was he arrested and how many nights did he spend in jail?

**D. Banks** stated yes, and one night.

**Vice-Chairperson Holley** asked what happened as a result of the ticket?

**D. Banks** stated his attorney did not show up and he had to be in Indiana on that date. He stated there's a warrant out for my arrest.

**Vice-Chairperson Holley** stated we are asking OCI to help you wrap this up.

**R. Scott** stated it's ironic, but the same thing happened to him back in 1992. This sounds like proactive policing. He stated he got caught in racial profiling.

He stated at last week's meeting on Officer Staton, Comm. Holley sustained. He wants some clarity as to what that means and the status of the case.

**Atty. Hooks** stated as for the abstention, there will be an amendment to the Minutes. Also, there will be an opinion regarding that suspension without pay petition. As of now the individual is suspended with pay.

**R. Scott** stated he is suspended with pay because of the contravention.

**Atty. Hooks** stated you need four commissioners to concur with a suspension without pay and we don't have four members concurring at this time.

**R. Scott** asked the abstained vote amounts to the same impact as a contravention?

**Atty. Hooks** stated it's possible that it will, yes.

**R. Scott** stated that he thinks that a message ought to be sent and that it was a mistake to suspend the officer with pay.

**Comm. Blackwell** stated the real objection is that he is getting paid.

**R. Scott** stated that's correct. The lack of pay sends a message.

**Atty. Hooks** stated that your comments are being noted for the record. The City Charter requires four members to concur with a suspension without pay.

## **10. ADJOURNMENT**

The meeting was adjourned at 4:15 p.m.

Respectfully submitted,

**DANTE' L. GOSS**  
Executive Director  
Board of Police Commissioners

**DLG/rb**